SINGLE BENCH

CF 1100/--

(5)

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION (S) NO. 789 /2007

PETITIONERS

1. Zerom Toppo, aged about 41 years, son of Shri Paulus Toppo, Assistant Teacher, Government Tribal Primary School Ambadand, Bagicha, Distt. Jashpur (C.G.) (sl.no. 28 of Annexure P-1)

2. Smt. Ignasiyan Ekka, aged about 43 years, wife of Shri Domnik Kindo, Assistant Teacher, Government Tribal Girls Kanya Ashram Rauni, Bagicha, Distt. Jashpur (CG) (sl.no. 70 of the Annexure P-1)

3. Smt. Neelmani Adriyana Tigga, aged about 39 years, wife of Shri Bilang Xalxo, Assistant Teacher, Government Tribal Primary School Jurudand, Bagicha, Distt. Jashpur (CG) (Sl.no. 16 of Annexure P-1)

4. Smt. Chauhanti Bai Tirky, aged about 43 years, wife of Nirdosh Tirky, Assistant Teacher, Government Tribal Kanya Ashram, Bagicha, Distt. Jashpur (CG) (Sl.no. 161 of Annexure P-1)

5. Smt. Magret Kujur, aged about 35 years, wife of Shri Leos Kujur, Assistant Teacher,

P.H. No. 12/2/07
Presented by Shri R.K. Mayumdar
dated 13/2/07

RECEIVED-COPY
13/2/07
CLERK to A. G. BILASPUR

OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA

(6) (4)

Government Trial Girls School / Ashjram, Bagicha, Distt. Jashpur (C.G.) (sl.no.33 of Annexure P-1)

6. Smt. Balmadina Tirky, aged about 41 years, wife of Shri Naresh Tirky, Assistant Teacher, Government Tribal Primary School Gurudand, Bagicha, Distt. Jashpur (CG), at S.N. (30)

7. Gyan Prakas Ekka, aged about 45 years, son of Shri Simon Ekka, Assistant Teacher, Government Tribal PrimarySchool Bodapahri, Bagicha, Distt. Jashpur (CG) (Sl.no. 133 of Annexure P-1)

8. Smt. Elizabeth Minj, before marriage - kujur aged about 42 years, wife of Shri Rajesh Minj, Assistant Teacher Government Tribal Primary School Pandaripani, Bagicha, Distt. Jashpur (CG) S.N. (4)

9. Smt Mariyeta Tigga, aged about 48 years, wife of Shri Romaniyus Tigga, Assistant Teacher, Government Tribal Primary School Marol Bagicha, Distt. Jashpur (CG) at S.N. (24)

10. Smt. Rajkishori Kerketta, aged about 37 years, wife of Shri Fuljens Kerketta, Assistant Teacher, Government Tribal Girls Ashram Kabiya, Bagicha,

OATH COMMISSIONER S.R. Kaushik BILASPUR TAHSIL AREA

Distt. Jashpur (CG) (Sl.No. 02 of Annexure P-1)

11. Smt. Jagpati Bhagat, aged about 42 years, D/o. Late Kele Ram, Assistant Teacher, Government Primary School Galaunda, Jashpur, Distt. Jashpur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The District Education Officer, Distt. Jashpur (C.G.)
3. The Assistant Commissioner, Deptt of Tribal Welfare, Jashpur (CG)
4. Block Education Officer, Deptt of Tribal Welfare, Bagicha, Distt. Raigarh (C.G.)

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA.

(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 989 of 2007

Petitioners : Zerom Toppo and others

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.N. Bhakta , Advocate for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 21st Day of February, 2007)

1. The petitioners were appointed on 30.6.1993 as Assistant Teachers on fixed pay scale of Rs. 1200/-. After completion of their probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision

(43)

of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Rakesh Kumar Sharma & another Vs. State of Chhattisgarh & others (W.P. (S) No. 5473 of 2006) by order dated 09-10-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Rakesh Kumar Sharma & another Vs. State of Chhattisgarh & others (Supra).

6. In view of that this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh